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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PAULA GORDON, an individual,  
  
Plaintiff,  
  
v.  
  
NEXSTAR BROADCASTING, INC.  
a business entity, form unknown; KGET-TV  
17, a business entity, form unknown; The CW  
NETWORK, LLC, a business entity, form  
unknown; TELEMUNDO 17.3, a business  
entity, form unknown; ERIK MENDOZA, an  
individual; and DOES 1 through 100, inclusive  
  
Defendants.

Case No. 1:18-cv-00007 (DAD) (JLT)  
  
**[PROPOSED] ORDER REGARDING  
WITNESS ALYSSA DURAN**  
  
(Doc. 95)

TO THE HONORABLE COURT:

WHEREAS third party witness, Alyssa Duran, evaded Defendants Nexstar Broadcasting, Inc. and Erik Mendoza’s (“Defendants”) attempts to serve her with a deposition subpoena prior to the February 15, 2019 discovery completion deadline.

WHEREAS on February 20, 2019, the Court extended the fact discovery deadline to April 30, 2019, solely to allow Defendants the opportunity to take Duran’s deposition. (ECF #80).

WHEREAS after the Court extended the fact discovery deadline to allow Defendants additional time to depose Duran, Defendants continued to make exhaustive and diligent attempts to serve Duran with a deposition subpoena in order to take her deposition.

1           WHEREAS Duran continued to evade Defendants' attempts to personally serve her with a  
2 deposition subpoena.

3           WHEREAS the Court subsequently granted the Parties' stipulation to serve Duran a  
4 deposition subpoena by mail (ECF #83).

5           WHEREAS Duran was served by mail for a deposition appearance to take place on April  
6 26, 2019.

7           WHEREAS Duran failed to appear at her deposition on the date set forth in the subpoena  
8 on April 26, 2019.

9           IT IS HEREBY STIPULATED AND AGREED by Plaintiff Paula Gordon, and Defendants,  
10 through their respective counsel, as follows:

11 (1) The fact discovery deadline will remain open indefinitely solely for the parties to take the  
12 deposition of Duran before trial.

13 (2) Should Plaintiff's counsel serve Duran with a trial subpoena before the trial date of January  
14 7, 2020, in the event the Court finds Duran's testimony to be admissible at trial, such trial  
15 subpoena must be accompanied by a deposition subpoena for Defendants to take Duran's  
16 deposition no later than nine (9) days before the date set forth in the trial subpoena.

17 (3) Should Plaintiff's counsel serve Duran with a trial subpoena during trial, in the event the  
18 Court finds Duran's testimony to be admissible at trial, such trial subpoena must be  
19 accompanied by a deposition subpoena for Defendants to take Duran's deposition at least  
20 two (2) days before Duran testifies at trial.

21 (4) Duran shall not testify at trial until Defendants have had the opportunity to depose Duran.

22 (5) Should Ms. Duran fail to comply with said subpoenas, any party shall have an opportunity  
23 to file the appropriate pre-trial motions to seek the appropriate remedies available to the  
24 Parties.

25           IT IS SO STIPULATED.  
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Dated: May 8, 2019

JACKSON LEWIS P.C.

By: \_\_\_\_\_  
Dylan B. Carp  
Angel R. Sevilla  
Stephanie T. Yang  
Attorneys for Defendant  
NEXSTAR BROADCASTING, IN

Dated: May 8, 2019

LAW OFFICES OF VICTOR L. GEORGE

By: /s/Wayne C. Smith  
Victor L. George  
Wayne C. Smith  
Attorneys for Plaintiff  
PAULA GORDON

Counsel for Plaintiff, Wayne C. Smith, authorized submission of his e-signature on this document in writing, by e-mail dated May 8, 2019, 4:43 p.m.

Dated: May 8, 2019

FISHER & PHILLIPS LLP

By: /s/ Cheryl Schreck  
Cheryl Schreck  
Attorneys for Defendant  
ERIK MENDOZA

Counsel for Defendant, Cheryl Schreck, authorized submission of his e-signature on this document in writing, by e-mail dated May 8, 2019, 11:45 a.m.

IT IS SO ORDERED.

Dated: May 9, 2019

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE